S.B.Civil Second Appeal No.64/2007.

Bhagat Singh @ Bhagwat Singh.
vs.
Anil Kumar @ Anil.

Date : 26.2.2007

HON'BLE MR. PRAKASH TATIA, J.

Mr. Anuj Sahlot, for the appellant.
Mr. Arun Bhansali, for the respondent.

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Heard learned counsel for the parties.

After going through the reasons given by the two courts below in the impugned judgments, this Court is of the view that no substantial question of law is involved in this appeal and two courts below concurrently decided the issue of bonafide necessitty in favour of the plaintiff and also decided the issue of subletting and non-user by the appellant against the appellant. Accordingly, this appeal deserves to be dismissed.

At this stage, learned counsel for the appellant prayed that three years' time may be granted to vacate the suit premises.

Learned counsel for the respondent has serious

objection to this. According to learned counsel for the respondent, the suit was decreed on the ground of non-user and thereafter, during pendency of the suit, the suit property was sublet by the appellant, therefore, there is no reason for asking time of vacating the suit premises because the appellant is not likely to suffer any loss if the suit premises is got vacated from sub-tenant.

I considered the submission of learned counsel for the parties and taking a very liberal view, this Court is of the view that the appellant be granted time to hand over the suit premises to the landlord by 31.8.2007.

Therefore, it is ordered that in case, the appellant furnishes a written undertaking before the trial court within a period of two months from today that he shall hand over the vacant possession to the landlord by or before 31.8.2007 and shall not part with the possession or sublet the suit premises during this period and shall pay all the arrears of rent and decreetal amount, if due, within a period of two months from today before the trial court or directly to the landlord, the decree under challenge shall not be executed till 1.9.2007. The appellant shall also deposit the rent month by month by 15th day of each succeeding month of his tenancy in the trial court.

In case of non-compliance of the order or default in payment of rent mentioned above, the decree shall become executable forthwith.

With the aforesaid concession, this appeal is dismissed.

(PRAKASH TATIA), J.

S.Phophaliya